

SCHOOL CHOICE MATTERS

Maryland Policy Report

Introduction

PURPOSE

A combination of well-designed policies give all students access to the broadest range of educational opportunities, including key core policies and helpful policy enhancers. The purpose of this document is to provide insight to how well your state is doing at implementing the Ecosystem of School Choice Policies. This state report summarizes evidence across the seven policy buckets, with each policy component detailed in individual cells.

CORE POLICIES

Key policies expand student opportunities.



[Open Enrollment](#)



[Charter Schools](#)



[Private School Choice](#)



[Homeschooling](#)

POLICY ENHANCERS

Supporting policies enhance those opportunities.



[Part-time Enrollment/Course Access](#)



[Learn Everywhere](#)



[Transportation](#)

CORE POLICIES



Open Enrollment in Maryland

POLICY	RATING	POLICY OVERVIEW
<p>Transfers Between Districts</p>	<p>LIMITED</p> <p>Sending and/or receiving districts have discretion over transfers</p>	<p>Maryland does not require school districts to have a mandatory interdistrict open enrollment policy.</p> <p>Maryland Code provides that students must attend public schools in the county where the child is domiciled, except when a parent makes a request pursuant to a county board’s policies, the county superintendent:</p> <ul style="list-style-type: none"> • Has the discretion to allow a child to attend school in the county even if the child is not domiciled in that county, but the superintendent is not required to approve this. • Must allow dependent children of service members relocating to the State on military orders to enroll in a district in which they are not domiciled. • Must allow children to attend school in a county other than that where the child is domiciled in circumstances involving relatives providing inform kinship care. <p>(Maryland Code Education 7-101 Eligibility for Public Schools; Kindergarten Programs)</p>
<p>Transfers Within Districts</p>	<p>NO</p> <p>No policy</p>	<p>Maryland does not require school districts to have a mandatory intradistrict open enrollment policy.</p> <p>Intradistrict open enrollment policies are established at the discretion of the local district.</p> <p>(See MSDE Memo, Factors that Impact School Transfers (2018))</p>
<p>Year-round Transfer Window</p>	<p>NO</p> <p>No policy</p>	<p>Maryland Code does not provide for applications windows for the limited transfer opportunities.</p>

<p>Tuition-Free Public Schools</p>	<p>LIMITED Tuition can be charged</p>	<p>Maryland Code is silent on charging tuition for the limited interdistrict student transfers.</p>
<p>School Capacity Transparency</p>	<p>NO No transparency policy</p>	<p>Maryland Code is silent on reporting capacity by school and grade level.</p> <p>The State Board has requested information on school transfers in some circumstances, for example to decide whether to change the way the State Board analyzes and reviews school transfer appeals stemming from a denial of a transfer due to a local policy.</p> <p><i>(See, for example, MSDE Memo, State Board Analysis and Review of School Transfer Appeals and Other Similar Cases (2019))</i></p>
<p>Transfer Data Transparency</p>	<p>NO No transparency in data reporting</p>	<p>Maryland Code is silent on MSDE collecting and publicly reporting district-level open enrollment data.</p> <p>The State Board has requested information on school transfers in some circumstances, for example to decide whether to change the way the State Board analyzes and reviews school transfer appeals stemming from a denial of a transfer due to a local policy.</p> <p><i>(See, for example, MSDE Memo, State Board Analysis and Review of School Transfer Appeals and Other Similar Cases (2019))</i></p>
<p>Transparent Appeal Process</p>	<p>YES</p>	<p>Maryland Code is silent on appealing a district’s denial of transfer.</p> <p>Maryland Administrative Rules provide for appeals of district decisions to the State Board. Appeals must be filed within 30 calendar days of the decision of the local board.</p> <p><i>(COMAR 1A.01.05 Appeals to the State Board Of Education; see MSDE Memo, State Board Analysis and Review of School Transfer Appeals and Other Similar Cases (2019))</i></p>

SOURCE CITATIONS

Statutes

[Maryland Code Education 7-101 Eligibility for Public Schools; Kindergarten Programs](#)

Administrative Code

[COMAR 1A.01.05 Appeals to the State Board Of Education](#)

State Department of Education

[MSDE Memo, Factors that Impact School Transfers \(2018\)](#)

[MSDE Memo, State Board Analysis and Review of School Transfer Appeals and Other Similar Cases \(2019\)](#)



Charter Schools in Maryland

POLICY	RATING	POLICY OVERVIEW
<p>Multiple Charter Authorizers</p>	<p>LIMITED</p> <p>No real authorizer options</p>	<p>Maryland Code provides for the establishment of charter schools.</p> <p>(Maryland Code Education 9-101, et al. Maryland Public Charter School Program)</p> <p>Maryland Code specifies that the only public chartering authority to grant a charter lies with the county board of education. After reviewing the application, the county board has 120 days to decide on the charter.</p> <p>(Maryland Code Education 9-103 Public chartering authority; Maryland Code Education 9-104 Public charter school - Application)</p>
<p>Charter Appeal Process</p>	<p>YES</p> <p>Independent appeals process</p>	<p>Maryland Code provides that if a county board denies an application, the applicant may appeal that decision to the State Board, which then has 120 days to make a decision.</p> <p>(Maryland Code Education 9-104 Public charter school - Application)</p>
<p>Charter Regulatory Flexibility</p>	<p>LIMITED</p> <p>Some or no exemptions</p>	<p>Charter schools are subject to federal and State laws prohibiting discrimination and must comply with all applicable health and safety laws.</p> <p>(Maryland Code 9-102 Public school charter, defined)</p> <p>Maryland does not provide for flexibility relating to teacher certification - Maryland Code provides that members of the professional staff of a public charter school are subject to the same certification provisions that have been established for professional staff of other public schools.</p> <p>(Maryland Code Education 9-105 Public charter school – Professional staff)</p> <p>Maryland Code provides that public charter schools must comply with provisions of law and regulation governing other public schools but may seek waivers from a county board or the State Board of Education, based on the source of the policy.</p>

		<p>Waivers may not be granted relating to audit requirements, the measurement of student academic achievement, or the health, safety, or civil rights of a student or an employee.</p> <p>(Maryland Code Education 9-106 Public charter school – Obligations and waiver)</p> <p>Maryland Code provides that if a collective bargaining agreement is in existence in the county where a public charter school is located, the employee organization, public school employer, and the public charter school may mutually agree to negotiate amendments to the existing agreement to address the needs of the public charter school.</p> <p>(Maryland Code Education 9-108 Rights of employees of a public charter school)</p>
<p>Equitable Charter Funding</p>	<p>YES</p> <p>Students are funded as in a traditional district school</p>	<p>Maryland Code requires county boards to give to public charter schools the amount of county, State, and federal money for elementary, middle, and secondary students that is commensurate with the amount disbursed to other public schools in the local jurisdiction.</p> <p>(Maryland Code Education 9-109 Disbursement of funds; see MSDE, Steps to Calculate Per Pupil Allocations for Charter Schools)</p>
<p>Charter Facilities Funding</p>	<p>LIMITED</p> <p>Some or no facilities funding</p>	<p>Upon approval of the State Superintendent, a county board may provide school sites or buildings available for occupation and no longer needed for school purposes to a public charter school on terms determined by the county board.</p> <p>(Maryland Code Education 9-111 Use of school site or building for public charter school)</p> <p>Note that guidance from MSDE provides that start-up funds for public charter schools, which include facility costs, are the responsibility of the applicant.</p> <p>(MSDE, Charter School Application: A Guide for Maryland Local Education Agencies)</p>
<p>Options for High-Performing Charters</p>	<p>LIMITED</p> <p>No opportunities for high-performing charter schools</p>	<p>Maryland Code provides that “eligible public charter schools” are exempt from additional sections of rules, provided that the public charter school and chartering authority mutually agree to an alternative means by which the school will satisfy the intent of the policies of the authority, including:</p> <ul style="list-style-type: none"> • Textbook, instructional program, curriculum, professional development, and scheduling requirements; • A requirement to establish a school community council; • Except for Title I schools, a requirement to establish a school improvement plan;

		<ul style="list-style-type: none"> • Except for schools with a school activity fund, a requirement to provide school activity fund disclosure statements; and • Except for prekindergarten classes, class size or staffing ratios. <p>An “eligible public charter school” is defined to mean a public charter school that has been in existence for at least 5 years, has a history of sound fiscal management and student achievement that exceeds the average in the local school system in which the public charter school is located on certain measures.</p> <p>(Maryland Code 9-104.1 Public Charter School – Assessments)</p>
<p>Charter Zoning Exemptions</p>	<p>LIMITED</p> <p>Less than full protections</p>	<p>Maryland Code specifies that any portion of a building or property occupied and used by a public charter school is exempt from property taxes.</p> <p>(Maryland Code Education 9-112 Tax exemption)</p>

SOURCE CITATIONS

<p>Statutes</p> <p>Maryland Code Education 9-101, et al. Maryland Public Charter School Program</p>	<p>State Department of Education</p> <p>MSDE, School Innovation/Charter Schools</p> <p>MSDE, Decisions and Waivers of the Maryland State Board of Education Regarding Charter Schools</p> <p>Maryland State Board of Education – Policy: The Charter School Program</p> <p>MSDE, Charter School Application: A Guide for Maryland Local Education Agencies</p> <p>MSDE, Steps to Calculate Per Pupil Allocations for Charter Schools</p>
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Private School Choice in Maryland

POLICY	OVERALL RATING	PROGRAM OVERVIEW
<p>Universal Eligibility</p>	<p>LIMITED</p> <p>Eligibility less than 100%</p>	<p>The Broadening Options and Opportunities for Students Today (BOOST) Program is established through annual Budget bills and is funded by appropriation. House Bill 200 from Fiscal Year 2024 explains that the BOOST program provides scholarships for students who are eligible for free and reduced-price lunch program to attend eligible nonpublic schools.</p> <p>(House Bill 200, Maryland General Assembly (2023))</p> <p>The BOOST Program Guide from the Maryland State Department of Education explains that the number of students who apply for the program is more than the funding available, so the state uses the following priorities:</p> <ul style="list-style-type: none"> • First priority: students who received a BOOST award last year and their siblings; must qualify for either free or reduced-price meals; • Second priority: new applicants who wish to enter a nonpublic school for the first time, coming straight from a public school, and they qualify for free meals; • Third priority: new applicants who wish to enter a nonpublic school for the time, coming straight from a public school, and they qualify for reduced-price meals; • Fourth priority: new applicants who were enrolled in a nonpublic school, and want to remain at a nonpublic school, and they qualify for free meals; • Fifth priority: new applicants who were enrolled at a nonpublic school, and want to remain at a nonpublic school, and they qualify for reduced meals. <p>(MSDE, Broadening Options and Opportunities for Students Today (BOOST) Scholarship Program: 2023-2024 School Year)</p>

<p>Comparable Student Funding</p>	<p>LIMITED Funding below 90%</p>	<p>House Bill 200 limits the amount of a scholarship award and specifies that the award may not exceed the lesser of:</p> <ul style="list-style-type: none"> • the statewide average per pupil expenditure by local education agencies, as calculated by MSDE; or • the tuition of the nonpublic school. <p>Note that House Bill 200 also provides \$700,000 must be used to provide an additional award for each student with special needs that is at least equal in amount to the BOOST Program scholarship award that a student is awarded under law.</p> <p>(House Bill 200, Maryland General Assembly (2023))</p>
<p>Uncapped Student Access</p>	<p>LIMITED Funding or enrollment cap</p>	<p>The BOOST program does not have an enrollment cap.</p> <p>The BOOST program provides limits to the program through an annual appropriation. The appropriation for scholarships in the 2023-2024 academic year totaled \$9 million.</p> <p>(House Bill 200, Maryland General Assembly (2023))</p>
<p>Extended Application Window</p>	<p>YES</p>	<p>House Bill 200 requires the MSDE to establish procedures for the application and award process for scholarships for students who are eligible for the free or reduced price lunch program.</p> <p>(House Bill 200, Maryland General Assembly (2023))</p> <p>The Maryland State Department Program Guide for the BOOST program specifies that student applications will be reviewed for eligibility on a rolling basis.</p> <p>(MSDE, Broadening Options and Opportunities for Students Today (BOOST) Scholarship Program: 2023-2024 School Year)</p>

<p>Student Testing Options</p>	<p>YES</p>	<p>House Bill 200 from 2023 that authorizes the BOOST program requires nonpublic schools to administer national, norm-referenced standardized assessments chosen from a list of assessments published by the US Department of Education to qualify nonpublic schools for the National Blue Ribbon Schools Program.</p> <p>These assessments must be administered as follows:</p> <ul style="list-style-type: none"> • English language arts and mathematics assessments each year for students in grades 3-8, and at least once for students in grades 9-12; • A science assessment at least once for students in grades 3-5, at least once for students in grades 6-9, and at least once for students in grades 10-12. <p>(House Bill 200, Maryland General Assembly (2023); see MSDE, List of Approved Assessments for Nonpublic Schools Participating in the BOOST Scholarship Program)</p>
<p>School Autonomy</p>	<p>LIMITED Silent language or adverse regulations</p>	<p>House Bill 200 specifies that eligible nonpublic schools participating in the BOOST program must comply with Title VI of the Civil Rights Act of 1964 and not discriminate in student admissions, retention, or expulsion. These guidelines do not require schools or institutions to adopt rules, regulations, or policies that conflict with its religious or moral teachings.</p> <p>Failure to follow these guidelines will result in the nonpublic school being required to reimburse MSDE all scholarship funds received.</p> <p>(House Bill 200, Maryland General Assembly (2023))</p>
<p>Accessible School Participation</p>	<p>LIMITED Accreditation requirement</p>	<p>According to the Maryland State Department of Education’s Program Guide for the BOOST program, nonpublic schools must meet the following requirements:</p> <ul style="list-style-type: none"> • Hold a certificate of approval from or be registered with the State Board of Education; • Be approved to participate in the Nonpublic Textbook Program; • Provide more than only prekindergarten and kindergarten programs; and • Comply with all BOOST reporting requirements by the specific dates. <p>(MSDE, Broadening Options and Opportunities for Students Today (BOOST) Scholarship Program: 2023-2024 School Year)</p>

		<p>Nonpublic school approval is addressed in Maryland Regulations. The state reviews the following information to grant approval:</p> <ul style="list-style-type: none"> • Personnel requirements; • Educational programs; • Maintaining student records • Specific requirements for secondary schools • Administrative practices • Health, fire, safety, and zoning • And others <p>(COMAR 13A.09 Educational Programs in Nonpublic Schools)</p>
<p>ESAs and Parent-Directed Spending</p>		
<p>Freedom to Customize</p>	<p>NO No ESA or microgrant program</p>	<p>Maryland does not have an education scholarship account or microgrant program.</p> <p>The BOOST Scholarship award, established through House Bill 200 for the 2023-2024 academic year, requires students to attend nonpublic schools. Further, use of funds is strictly limited to tuition and fees only.</p> <p>(MSDE, Broadening Options and Opportunities for Students Today (BOOST) Scholarship Program: 2023-2024 School Year)</p>
<p>Freedom to Access</p>	<p>NO No ESA or microgrant program</p>	
<p>Carry-Over Funding</p>	<p>NO No ESA or microgrant program</p>	

Tax Credits

Full Tax Credit

N/A

No Tax Credit Program

Maryland does not have an education tax credit program.

SOURCE CITATIONS

Statutes

[House Bill 200, Maryland General Assembly \(2023\)](#)

State Department of Education

[MSDE, Broadening Options and Opportunities for Students Today \(BOOST\) Program](#)

[MSDE, Broadening Options and Opportunities for Students Today \(BOOST\) Scholarship Program: 2023-2024 School Year](#)

[MSDE, List of Approved Assessments for Nonpublic Schools Participating in the BOOST Scholarship Program](#)

Other Resources

[EdChoice, The ABCs of School Choice: Maryland \(2024 Edition\)](#)



Homeschooling in Maryland

POLICY	RATING	POLICY OVERVIEW
<p>Homeschool without Prior Approval</p>	<p>YES</p> <p>No permission required</p>	<p>Maryland Code provides that the state’s compulsory attendance laws do not apply to children under the age of 18 who are “receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age.”</p> <p>(Maryland Code Education Article 7-301 Compulsory Attendance)</p> <ul style="list-style-type: none"> Maryland has promulgated rules relating to home instruction. <p>Maryland Administrative Rules do not require families to receive permission from local school boards or administrative bodies to practice homeschooling. Rules require parents to initially sign a statement on a form prescribed by the State Department of Education that indicates consent to certain requirements in the Rules and this is to be submitted to the local superintendent at least 15 days before the beginning of a home instruction program.</p> <p>(COMAR 13A.10.01.01 Home Instruction Program)</p>
<p>No Extra Homeschool Notifications</p>	<p>NO</p> <p>Annual notification</p>	<p>Parents must annually verify the continuation of home schooling of their children with the local school superintendent or with the supervising nonpublic school or institution.</p> <p>Parents are also required to notify local school superintendents or supervising nonpublic schools or institutions if a change occurs in the home school status of the child during the school year.</p> <p>(COMAR 13A.10.01.01 Home Instruction Program)</p>

<p>No Certification to Homeschool</p>	<p>YES</p> <p>No certification requirement</p>	<p>Maryland Code and Administrative Rules are silent on whether parents must possess state teacher certifications.</p> <p>Administrative Rules do note that local school systems may not impose additional requirements for home instruction programs other than those in the regulations.</p> <p>(COMAR 13A.10.01.01 Home Instruction Program)</p> <p>Parents that are providing home instruction under the supervision of nonpublic schools will be assigned a school-based teacher in certain circumstances to assist the home teacher in implementing the home school program.</p> <p>(COMAR 13A.10.01.05 Home Instruction Under Supervision of Nonpublic School or Institution)</p> <p>In a Frequently Asked Questions document relating to home instruction in Maryland, the state confirms that parents do not need to possess state teacher certifications.</p> <p>(MSDE, Frequently Asked Questions Regarding Home Instruction in Maryland)</p>
<p>Flexible Assessment Options</p>	<p>YES</p> <p>Flexible academic accountability</p>	<p>Maryland Rules provide that homeschool students may choose to participate in regularly scheduled standardized testing programs that are administered in the public school where the child is eligible to attend.</p> <p>Parents are required to maintain a portfolio of materials relating to their student, which demonstrates the parent is providing “regular, thorough instruction during the school year” in certain subjects.</p> <p>(COMAR 13A.10.01.02 Voluntary Participation in Standardized Testing)</p> <p>Note that Administrative Rules also provide that parents may provide for home instruction without compliance with Regulations (except for regulations relating to initial notification of the intent to home school and public school placement) if the program is under the supervision of a school or institution offering an educational program operated by a bona fide church organization and certain requirements are met; or a nonpublic school with a certificate of approval from the State Board, so long as certain requirements are met.</p> <p>(COMAR 13A.10.01.05 Home Instruction Under Supervision of Nonpublic School or Institution)</p>

SOURCE CITATIONS

Statutes

[Maryland Code Education Article 7-301 Compulsory Attendance](#)

Administrative Code

[COMAR 13A.10 Home Instruction](#)

State Department of Education

[MSDE, Maryland Home Instruction](#)

[MSDE, Frequently Asked Questions Regarding Home Instruction in Maryland](#)

POLICY ENHANCERS

Part-time Enrollment in Maryland		
POLICY	RATING	POLICY OVERVIEW
Resident Course Access	<p>NO</p> <p>No policy</p>	<p>Maryland Code sections related to home instruction do not require school districts to provide homeschool students access to courses or activities offered by a local school system, other than the standardized testing programs.</p> <p>(See MSDE, Frequently Asked Questions Regarding Home Instruction in Maryland)</p> <p>Maryland Code is silent on nonpublic student access to courses or activities offered by a local school system.</p>
Nonresident Course Access	<p>NO</p> <p>No program</p>	<p>Maryland Code does not provide nonpublic and homeschool students access to courses outside their district of residence.</p>
Virtual Course Access	<p>NO</p> <p>No virtual options provided by other entities than the school district in which a student resides</p>	<p>Unable to locate information on statewide virtual providers.</p> <p>Local districts can operate full-time virtual schools.</p> <p>(Maryland Code Education 7-1401 Virtual Schools, Definitions)</p> <p>Maryland Code provides that a student who is eligible for enrollment in a public school in the State is eligible for enrollment in a virtual school.</p> <p>(Maryland Code Education 7-1403 Eligibility to enroll)</p> <p>Maryland Code relating to local district virtual schools do not provide for individual course offerings to students.</p>

		<p>Maryland created eConnect which provides locally developed and vendor-provided courses to all local school systems in the state. All online courses must be approved by the Maryland State Department of Education through the Maryland Virtual Learning Opportunities Program.</p> <p>Student access appears limited to local district virtual schools which do not provide for part-time enrollment. Further, resources on the eConnect page indicate that students’ participation must be approved by the local education agency before the student enrolls in the online course.,</p>
<p>Extracurricular Access</p>	<p>NO</p> <p>No requirement to make extra/ co-curricular opportunities available to all students</p>	<p>Maryland Code sections related to home instruction do not require school districts to provide homeschool students access to courses or activities offered by a local school system, other than the standardized testing programs.</p> <p>(See MSDE, Frequently Asked Questions Regarding Home Instruction in Maryland)</p> <p>Maryland Code is silent on nonpublic student access and charter school student access to courses or activities offered by a local school system.</p>

SOURCE CITATIONS

<p>Statutes</p> <p>Maryland Code Education 7-1401 Virtual Schools, Definitions</p>	<p>State Department of Education</p> <p>MSDE Memo, Virtual Options for Maryland Students (2021)</p> <p>MSDE, Frequently Asked Questions Regarding Home Instruction in Maryland</p> <p>MSDE, eConnect</p>
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Learn Everywhere in Maryland

POLICY	RATING	POLICY OVERVIEW
Provider Qualification Standard	<p>NO</p> <p>No program</p>	<p>Maryland has not established a Learn Everywhere program.</p>
Course Credit Standard	<p>NO</p> <p>No program</p>	
Core Course Opportunities	<p>NO</p> <p>No program</p>	
Central State List	<p>NO</p> <p>No program</p>	



Transportation in Maryland

POLICY	RATING	POLICY OVERVIEW
Open Enrollment Transit	NO	<p>Maryland Code does not provide transportation services for open enrollment students.</p>
Fair Transportation Access	NO	<p>Maryland Code does not provide transportation services for charter and nonpublic students.</p> <p>Note that in 2023, the Maryland General Assembly created a task force to study nonpublic student bus transportation to collect information on local policies for nonpublic school student busing programs and provide recommendations as to how the state may support a reduction in the use of passenger vehicles for nonpublic school students.</p> <p>(MSDE, Task Force to Study Nonpublic Transportation – Maryland State Department of Education)</p>
Vehicle Flexibility	YES	<p>Maryland Administrative Rules provides for the general standards for school bus options. Rules provide that Type I or Type II school vehicles must be used to transport students to and from schools and school-related activities when local school system sponsored transportation services are provided.</p> <p>The Rules then provide that other vehicles may be used to transport students to and from school if:</p> <ul style="list-style-type: none"> • The vehicle is a taxi; • Only one student is transported; • The vehicle used is a commercial motor coach; or • A local board of education determines that it is necessary to own, operate, or contract the use of an alternative school vehicle for student transportation, provided certain requirements are met. <p>An alternative school vehicle must have a seating capacity of no more than 10 passengers not including the driver, unless the vehicle is a Multifunction School Activity Bus (MFSAB).</p>

		<p>(COMAR 13A.06.07.12 General Standards)</p> <p>A Type I school vehicle means a school vehicle that:</p> <ol style="list-style-type: none"> (1) Is designed and constructed to carry passengers; (2) Is either of the body-on-chassis type construction or integral type construction; and (3) Has a gross vehicle weight of more than 15,000 pounds and provides a minimum of 13 inches of seating space per passenger. <p>(Maryland Code Transportation 11-173 Type I School Vehicle)</p> <p>A Type II school vehicle means a school vehicle that:</p> <ol style="list-style-type: none"> (1) Is designed and constructed to carry passengers; (2) Is either of the body-on-chassis type construction or integral type construction; and (3) Has a gross vehicle weight 15,000 pounds or less and provides a minimum of 13 inches of seating space per passenger. <p>(Maryland Code Transportation 11-174 Type II School Vehicle)</p>
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SOURCE CITATIONS

Statutes	Administrative Code	State Department of Education
<p>Maryland Code Transportation 11-173 Type I School Vehicle</p> <p>Maryland Code Transportation 11-174 Type II School Vehicle</p>	<p>COMAR 13A.06.07.12 General Standards</p>	<p>MSDE, Pupil Transportation and Emergency Management</p> <p>MSDE, Task Force to Study Nonpublic Transportation – Maryland State Department of Education</p>

